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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional application under 37 C.F.R. § 1.53(d))

CHECK BOX if applicable

☐ DUPLICATE

<b>Address to:</b> <b>Mail Stop CPA</b> <b>Commissioner for Patents</b> <b>Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>Attorney Docket No.</b>	112025-0138	<b>RECEIVED</b>  JUL 11 2003  Technology Center 2600
	<b>First Named Inventor</b>	Kui Zhang et al.	
	<b>Examiner Name</b>	Jain, Raj K.	
	<b>Group/Art Unit</b>	2664	
	<b>Express Mail Label No.</b>	EV 336753779 us	

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d), (continued prosecution application (CPA)) of prior application number 09/345,193, filed on June 30, 1999, entitled A SYSTEM AND METHOD FOR MEASURING LATENCY OF A SELECTED PATH OF A COMPUTER NETWORK.

### NOTES

**FILING QUALIFICATIONS:** The Prior application identified above must be a nonprovisional application that is either (1) complete as defined by C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provision of 35 U.S.C. § 154 (a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53 (b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_, under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)4)
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
    - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
  - b. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

07/11/2003 AWONDAF1 00000066 09345193

01 FC:1006  
02 FC:1201

750.00 OP  
84.00 OP

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (i))	20 - 20* =	0	× \$ 18.00	\$ 0.00
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	4 - 3** =	1	× \$ 84.00	\$ 84.00
	MULTIPLE DEPENDENT CLAIMS(if applicable) (37 C.F.R. § 1.16 (d))			+ \$ 0.00	
				BASIC FEE (37 C.F.R. § 1.16)	\$ 750.00
				Total of above Calculations	\$ 834.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28)				\$ 0.00
	* Reissue claims in excess of 20 and over original patent. ** Reissue Independent claims over original patent			TOTAL =	\$ 834.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03 - 1237.

- a. ☒ Fees Required under 37 C.F.R. § 1.16.
- b. ☒ Fees Required under 37 C.F.R. § 1.17.
- c. ☐ Fees Required under 37 C.F.R. § 1.18.


8. ☒ A check in the amount of \$834.00 is enclosed.

9. ☒ Other: Request for Non-Publication


**NOTE:**

*The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.*

18. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label				<input type="checkbox"/> Correspondence address below	
(Insert Customer Label here)		24267		(Label here)	
Name	Michael R. Reinemann				
Address	Cesari and McKenna, LLP 88 Black Falcon Avenue				
City	Boston	State	MA	Zip Code	02210
Country	U. S. A.	Telephone	(617) 951-2500	Fax	(617) 951-3927

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Michael R. Reinemann
Signature	
Registration No. Attorney/Agent	38,280
Date	July 9, 2003



PATENTS  
112025-0138  
Seq. No. 987

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7-1703  
*mg*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of: )  
Kui Zhang et al. )  
Serial No.: 09/345,193 )  
Filed: June 30, 1999 )  
For: A SYSTEM AND METHOD )  
FOR MEASURING LATENCY )  
OF A SELECTED PATH OF A )  
COMPUTER NETWORK )

Examiner: Jain, Raj K.

Art Unit: 2664

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JUL 11 2003

Technology Center 2600

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
July 9, 2003

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AMENDMENT

In advance of consideration of the Continued Prosecution Application (CPA) being filed, kindly enter the following amendments: